

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ZIM INTEGRATED SHIPPING SERVICES,
LTD.,

Plaintiff,

- against -

BELCO RESOURCES, INC., SINOCHEM
JIANGSU CORPORATION (FORMERLY
KNOWN AS SINOCHEM JIANGSU IMPORT &
EXPORT CORPORATION), NANJING
HUABIN FOREIGN TRADE & ECONOMICS
CO., LTD., DRAGONTRANS SHIPPING LTD.
d/b/a HUABANG INTERNATIONAL, INC.,
SINOTRANS NINGBO INTERNATIONAL
FORWARDING AGENCY CO., LTD.,
JOHN DOE 1-10,

Defendants.

-----X
Case No. 07-civ-5861 (RMB)

**DECLARATION BY OLIVIER D. L.
DUPONT IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
THE JOINT MOTIONS TO
DISMISS THE SECOND VERIFIED
AMENDED COMPLAINT AND TO
VACATE THE RULE B
ATTACHMENT OF DEFENDANTS
SINOCHEM JIANGSU
CORPORATION, NANJING
HUABIN FOREIGN TRADE &
ECONOMICS CO., LTD. AND
BELCO RESOURCES, INC.**

I, Olivier D. L. DuPont, declare as follows:

1. I am an attorney with the firm of DeOrchis & Partners, LLP in New York, New York which has represented and continues to represent plaintiff Zim Integrated Shipping Services, Ltd. ("Zim") in various legal matters.
2. Based upon the proceedings and records in this matter, I am fully familiar with the matter alleged herein.
3. I make this Declaration in support of Zim's Opposition to the Rule 26(b)(6) motion to dismiss of Defendants Sinochem Jiangsu Corporation ("Sinochem") and Nanjing Huabin Foreign Trade & Economics Co., Ltd. ("Huabin") and the motion to vacate the Rule B attachment by Belco Resources, Inc. ("Belco").

4. The matters described herein are those that are by their nature part of the public record and freely accessible. This declaration is limited to those matters only.
5. Sinochem advertises on a commercial website that they have established “close and sound partnerships with customers from ... America...”. Attached hereto as Exhibit A is a true and accurate copy of a webpage at <http://sinochem.chemnet.com/abc-e3.htm>.
6. Sinochem advertises on its own website that they have “established the strategic alliance partnerships with both up-and-down-stream customers all over the world” and that it is “one of the key subsidiaries of Sinochem Corporation (Sinochem), which is one of the largest companies in the “Fortune 500””. Attached hereto as Exhibit B is a true and accurate copy of a webpage at <http://www.sinochemjiangsu.com/english/about/about.asp>.
7. Sinochem has two sister companies or subsidiaries in the United States, located in Houston, Texas: Sinochem (U.S.A.), Inc. and Sinochem American Holdings, Inc. Attached hereto as Exhibit C is a true and accurate copy of a webpage at <http://www.sinochem.com/tqid/738/Default.aspx>.
8. Sinochem (U.S.A.), Inc. describes itself on Sinochem’s website as the “backbone trading subsidiary of Sinochem Corporation in the U.S.” and “the seamless supply channel between Chinese producers and US end users”. Attached hereto as Exhibit D is a true and accurate copy of the webpage at <http://www.sinochem.com/english/tqid/659/InfoID/4590/Default.aspx>.
9. Sinochem (U.S.A.), Inc. is listed by the New York Department of State as an entity incorporated under the laws of New York and in good standing in the State of New

York. Attached hereto as Exhibit E is a true and accurate copy of a webpage of the online database of the New York Department of State, Division of Corporations, Entity Information.

10. Sinochem indicates that Mr. Gu Linmin is currently its President and was the president of Sinochem America Corporation and Sinochem (U.S.A.), Inc. in February 2000 for four years. Attached hereto as Exhibit F is a true and accurate copy of the webpage at <http://www.sinochemjiangsu.com/english/about/3.asp#1>.
11. Mr. Gu Linmin is also listed as the current Chairman or Chief Executive Officer of Sinochem (U.S.A.), Inc. under the online database of the New York Department of State. *See* Exhibit C.
12. Sinochem has a sister or related entity listed with the New York Department of State: SINOCHM AMERICA ASSET MANAGEMENT LIMITED. Attached hereto as Exhibit G is a true and accurate copy of the online database of the New York Department of State, Division of Corporations, Entity Information.
13. Sinochem advertises the sale of “Calcium Hypochlorite” on a website under the category “Chemical Raw Materials” and subcategory “Water Treatment Products” available in two forms: 65% Min. Granular (Calcium Process) and 70% Min. Granular (Sodium Process). Attached hereto as Exhibit H is a true and accurate copy of several webpages from the website at <http://sinochem.chemnet.com/en/>.
14. I attach a true and accurate copy of the Hague-Visby Rules as Exhibit I.
15. Plaintiff Zim offered on or about December 27, 2007 to make available to the Defendants in both matters 07-cv-5861 and 07-cv-6500 for inspection and copying

1,046 pages of documentary evidence documenting the fire, the damages, the safety equipment, the efforts of Zim's employees to fight the fire, and other documents relative to Defendants Huabin and Sinochem, all of which are in English.

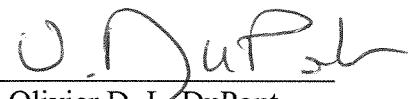
16. In a joint letter by Plaintiff Zim filed on behalf of, or after discussing with the Defendants with Magistrate Judge Gorenstein in relation to this matter and dated January 7, 2008, Plaintiff Zim indicated that "*discovery in this matter could well involve more than 25 fact and expert witnesses, given the history of the vessel's loading in the Far East; the voyage, the explosion and fire, the firefighting and salvage efforts, deliveries of damaged cargo and surveys, and the expert analysis of the cause of the fire.*" The letter also requests that discovery be joined in both matters for efficiency purposes.
17. I attach as Exhibit J a true and accurate copy of three news releases of the U.S. Department of Health & Human Services relative the signing of a Memoranda of Agreement between the United States and China to improve the Safety of Food, Feed, Drugs and Medical Devices.
18. I attach as Exhibit K a true and accurate copy of an article from the New York Times dated October 31, 2007 by Walt Bogdanich titled "Chinese Chemicals Flow Unchecked to Market".
19. **Sinochem Entities And Misdeclaration of Cargo:** I attach as Exhibit L a true and accurate copy of an article available on the website (www.nyt.com) of the International Herald Tribune dated June 16, 2007 by Walt Bogdanich titled "F.D.A. tracked poison

drugs, but trail went cold in China", excerpts or summaries of which are as follows under subparagraph (a):

- a. The role played by Sinochem International Chemicals Company, a state-owned company, in the export of diethylen glycol labeled as glycerin which was responsible in the death of 88 children in Haitai on 1996, nearly half of which under the age of 2. The article recites Sinochem's failure to cooperate, or obstructive behavior with U.S. authorities. "[Sinochem] denied any wrongdoing, saying that two certificates of analysis showed that the suspect shipment was safe, pharmaceutical-grade syrup. But when the FDA asked to see them, Sinochem refused. "The officials were not willing to explain why they could not provide the copies". Sinochem exported 284 barrels of diethylene glycol labeled as glycerin in New York on container ships in 1995.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 11, 2008
New York, New York


By: Olivier D. L. DuPont